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West Extension Irrigation District

P. O. Box 100 Irrigon, Oregon 97844  
541-922-3814 541-922-9775 (fax)

May 31, 2004

Dockets Management System  
U. S. Department of Transportation  
Room PL-401  
400 Seventh Street, S.W.  
Washington, D.C. 20590-0001

Re: Comments for RSPA-04-17167-2

West Extension Irrigation District (WEID) respectfully submits these comments. We are requesting regulatory review of 49 CFR 173.226 (a) which states that materials which are poison by inhalation will be transported in seamless specification cylinders conforming to the requirements of 173.40, as well as other relevant provisions.

WEID is an irrigation district located in Eastern Oregon in the Umatilla Basin. We serve 10,400 acres of irrigated agriculture on lands located in Lower Umatilla and Northern Morrow Counties. We have 962 families using irrigation water on our system. Population in the area that we serve is approximately 3000 people.

WEID receives its water from the lower end of the Umatilla River. One of the issues we face during the irrigation season is the staggering amount of pond weed and algae that build up in our canal. We use acrolien, under the trade name MAGNITUDE H Herbicide, to control this weed invasion. Aquatic herbicide applications are vital to our farmers and to the district in keeping our canals free-flowing and operating efficiently. Without this product, our canals would clog, water deliveries will be severely interrupted and crop loss will occur.

The use of this product has become increasingly costly over the past few years, as regulations on MAGNITUDE H have escalated. Since our water users are the sole source of income for WEID, these costs are passed on to our water users. While the use of aquatic herbicide is a necessity, it is an economic hardship on the water users. This letter is to request relief from some of the unnecessary regulations.

Baker Petrolite maintains the only pesticide registration with the United States Environmental Protection Agency for acrolien as an aquatic herbicide. There are no other alternatives to this product that will keep our canals clean in a quick, cost and labor efficient manner. Magnitude H works in flowing irrigation water, which is why it is important to us.

We have used this product since 1972. We are concerned at any time regulations require changes to our product or its handling. Our concern is not only for the costs that changes may entail, but for the safety of our employees and the surrounding environment. We understand that Baker Petrolite is required to manufacture the new specification 3B cylinders. This type of cylinder will be a hardship to us for the following reasons:

- To hold a comparable amount of product, cylinder would need to be quite tall
- 3B cylinder would not be manageable in the field
- Alternatives to cylinder (drum containers) are bulky and difficult to manage
- Costs to rebuild storage and loading sites is prohibitive to this small district
- Structural integrity is of the utmost concern; change may diminish integrity

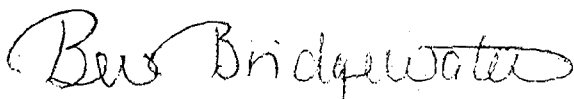
I also understand that the pressure relief device that we currently use on the cylinders may be impacted. These devices should remain in place at all times for the highest degree of safety.

For many years, we have received acrolien in 4BW240 cylinders, which are made of carbon steel. Over the years, we have developed our own safety program and operational procedures to utilize these cylinders. Converting our operations to another form of packaging would be a major expense that will ultimately be passed on to our water users. The current size of the 4BW240 cylinders are easy for use to move, to manage, and to store. This allows the fewest number of connections and disconnections of application equipment, which reduces the risk of exposure to our personnel and the surrounding environment.

Baker Petrolite is a company that takes pride in its manufacturing and its product. They have developed their equipment, including containers, with the highest degree of safety. WEID believes that there should be regulatory flexibility from the recently revised 49 CFR 173.226 (a) as well as other provisions within 49 CFR 173.40.

We ask your assistance in carefully evaluating the impacts that changes in the cylinder specifications will have on smaller entities, like us. Our patrons have no one to turn to as these increasing costs of regulation continue to burden them. This is one that is may not be necessary. Thank you for this opportunity to comment.

Sincerely,



Bev Bridgewater  
District Manager